

United States District Court

(2)
MIDDLEDISTRICT OFPENNSYLVANIA

RONALD S. TILLMAN

PLAINTIFF,

1: CV 00-2041

**APPLICATION TO PROCEED IN
FORMA PAUPERIS, SUPPORTING
DOCUMENTATION AND ORDER**

CASE NUMBER:

SCRANTON

NOV 23 2000

KMP.
PER _____
DEPUTY CLERK

I, RONALD S. TILLMAN #85375-071, declare that I am the (check appropriate box)

 petitioner/plaintiff movant (filing 28 U.S.C. 2255 motion) respondent/defendant CIVIL ACTION

other _____

in the above-entitled proceeding; that, in support of my request to proceed without being required to prepay fees, cost or give security therefor, I state that because of my poverty, I am unable to pay the costs of said proceeding or give security therefor; that I believe I am entitled to relief. The nature of my action, defense, or other proceeding or the issues I intend to present on appeal are briefly stated as follows: This action is being brought as a result of the defendants disregard's for the policy here at United States Penitentiary Lewisburg. Federal Bureau of Prisons policy here at USP Lewisburg. Purpose as a result of the "Surgeon General's" determination that passive inhalation of environmental tobacco smoke poses a health hazard.

In further support of this application, I answer the following questions.

1. Are you presently employed?

Yes No

a. If the answer is "yes," state the amount of your salary or wages per month, and give the name and address of your employer. (list both gross and net salary)

Thirteen (13) dollars per month, and one hundred fifty six (156) net salary.

b. If the answer is "no," state the date of last employment and the amount of the salary and wages per month which you received.

2. Have you received within the past twelve months any money from any of the following sources?

- a. Business, profession or other form of self-employment
- b. Rent payments, interest or dividends?
- c. Pensions, annuities or life insurance payments?
- d. Gifts or inheritances?
- e. Any other sources?

| | |
|-----------------------------------------|----------------------------------------|
| Yes <input type="checkbox"/> | No <input checked="" type="checkbox"/> |
| Yes <input type="checkbox"/> | No <input checked="" type="checkbox"/> |
| Yes <input type="checkbox"/> | No <input checked="" type="checkbox"/> |
| Yes <input type="checkbox"/> | No <input checked="" type="checkbox"/> |
| Yes <input checked="" type="checkbox"/> | No <input type="checkbox"/> |

AO 240 Reverse

If the answer to any of the above is "yes," describe each source of money and state the amount received from each during the past twelve months.

(Mother) Mrs. Clatie M. Tillman (one thousands one hundred and ninety nine dollars)

3. Do you own any cash, or do you have money in checking or savings accounts?

Yes No (Include any funds in prison accounts.)

If the answer is "yes," state the total value of the items owned.

4. Do you own or have any interest in any real estate, stocks, bonds, notes, automobiles or other valuable property (excluding ordinary household furnishings and clothing)?

Yes No

If the answer is "yes," describe the property and state its approximate value.

5. List the persons who are dependent upon you for support, state your relationship to those persons, and indicate how much you contribute toward their support.

None

I declare under penalty of perjury that the foregoing is true and correct.

Executed on 11/14/00
(Date)

Ronald S. Tillman
Signature of Applicant

TILLMAN, RONALD # 85375-071 CERTIFICATE
(Prisoner Accounts Only)

I certify that the applicant named herein has the sum of \$ 20.00 on account to his credit at the UNITED STATES PENITENTIARY, LEWISBURG PA institution where he is confined. I further certify that the applicant likewise has the following securities to his credit according to the records of said institution: NONE

I further certify that during the last six months the applicant's average balance was \$ 26.73

B. Shelly - INMATE ACCOUNTS, USP LEWISBURG
Authorized Officer of Institution
11/14/00

ORDER OF COURT

The application is hereby denied

The application is hereby granted. Let the applicant proceed without prepayment of cost or fees or the necessity of giving security therefor.

United States Judge

Date

United States Judge
or Magistrate

Date

A05-0095

JS 44
(Rev. 07/89)

CIVIL COVER SHEET

The JS-44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON THE REVERSE OF THE FORM.)

(I) PLAINTIFFS RONALD S. TILLMAN

United States Penitentiary Lewisburg
P.O. Box 1000
Lewisburg, Pa 17837

DEFENDANTS DONALD ROMINE

United States Penitentiary Lewisburg
P.O. Box 1000
Lewisburg, Pa 17837

(b) COUNTY OF RESIDENCE OF FIRST LISTED PLAINTIFF _____
(EXCEPT IN U.S. PLAINTIFF CASES)COUNTY OF RESIDENCE OF FIRST LISTED DEFENDANT _____
(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED

(c) ATTORNEYS (FIRM NAME, ADDRESS, AND TELEPHONE NUMBER)

ATTORNEYS (IF KNOWN)

none

unknown

II. BASIS OF JURISDICTION

(PLACE AN X IN ONE BOX ONLY)

- | | |
|-----------------------------------------------------------------|---------------------------------------------------------------------------------------|
| <input type="checkbox"/> 1 U.S. Government Plaintiff | <input type="checkbox"/> 3 Federal Question (U.S. Government Not a Party) |
| <input checked="" type="checkbox"/> 2 U.S. Government Defendant | <input type="checkbox"/> 4 Diversity (Indicate Citizenship of Parties in Item III) |

III. CITIZENSHIP OF PRINCIPAL PARTIES

(For Diversity Cases Only)

(PLACE AN X IN ONE BOX FOR PLAINTIFF AND ONE BOX FOR DEFENDANT)

| | PTF | DEF | PTF | DEF |
|-----------------------------------------|----------------------------|----------------------------|---------------------------------------------------------------|-------------------------------------------------------|
| Citizen of This State | <input type="checkbox"/> 1 | <input type="checkbox"/> 1 | Incorporated or Principal Place of Business in This State | <input type="checkbox"/> 4 <input type="checkbox"/> 4 |
| Citizen of Another State | <input type="checkbox"/> 2 | <input type="checkbox"/> 2 | Incorporated and Principal Place of Business in Another State | <input type="checkbox"/> 5 <input type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | Foreign Nation | <input type="checkbox"/> 6 <input type="checkbox"/> 6 |

IV. CAUSE OF ACTION

(CITE THE U.S. CIVIL STATUTE UNDER WHICH YOU ARE FILING AND WRITE A BRIEF STATEMENT OF CAUSE.)

DO NOT CITE JURISDICTIONAL STATUTES UNLESS DIVERSITY) (Pursuant to 28 USC 1361) The defendants has refused to enforce the smoking policy here at United States Penitentiary Lewisburg. Which is "Cruel and unusual punishment".

V. NATURE OF SUIT (PLACE AN X IN ONE BOX ONLY)

| CONTRACT | TORTS | FORFEITURE/PENALTY | BANKRUPTCY | OTHER STATUTES |
|-----------------------------------------------------------------------------------|--------------------------------------------------------------|-------------------------------------------------------------------------|------------------------------------------------------------------|----------------------------------------------------------------------------------------|
| <input type="checkbox"/> 110 Insurance | PERSONAL INJURY | PERSONAL INJURY | <input type="checkbox"/> 422 Appeal 28 USC 158 | <input type="checkbox"/> 400 State Reapportionment |
| <input type="checkbox"/> 120 Marine | <input type="checkbox"/> 310 Airplane | <input type="checkbox"/> 362 Personal Injury—Med Malpractice | <input type="checkbox"/> 423 Withdrawal 28 USC 157 | <input type="checkbox"/> 410 Antitrust |
| <input type="checkbox"/> 130 Miller Act | <input type="checkbox"/> 315 Airplane Product Liability | <input type="checkbox"/> 365 Personal Injury—Product Liability | PROPERTY RIGHTS | <input type="checkbox"/> 430 Banks and Banking |
| <input type="checkbox"/> 140 Negotiable Instrument | <input type="checkbox"/> 320 Assault, Libel & Slander | <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability | <input type="checkbox"/> 820 Copyrights | <input type="checkbox"/> 450 Commerce/ICC Rates/etc. |
| <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment | <input type="checkbox"/> 330 Federal Employers' Liability | <input type="checkbox"/> 370 Other Fraud | <input type="checkbox"/> 830 Patent | <input type="checkbox"/> 460 Deportation |
| <input type="checkbox"/> 151 Medicare Act | <input type="checkbox"/> 340 Marine | <input type="checkbox"/> 371 Truth in Lending | <input type="checkbox"/> 840 Trademark | <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations |
| <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excl. Veterans) | <input type="checkbox"/> 345 Marine Product Liability | <input type="checkbox"/> 380 Other Personal Property Damage | SOCIAL SECURITY | <input type="checkbox"/> 810 Selective Service |
| <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits | <input type="checkbox"/> 350 Motor Vehicle | <input type="checkbox"/> 385 Property Damage Product Liability | <input type="checkbox"/> 861 HIA (1395ff) | <input type="checkbox"/> 850 Securities/Commodities/Exchange |
| <input type="checkbox"/> 160 Stockholders' Suits | <input type="checkbox"/> 355 Motor Vehicle Product Liability | <input type="checkbox"/> 390 Other Personal Injury | <input type="checkbox"/> 862 Black Lung (923) | <input type="checkbox"/> 875 Customer Challenge 12 USC 3410 |
| <input type="checkbox"/> 190 Other Contract | <input type="checkbox"/> 360 Other Personal Injury | <input type="checkbox"/> 410 Voting | <input type="checkbox"/> 863 OILC/DIVW (405(g)) | <input type="checkbox"/> 891 Agricultural Acts |
| <input type="checkbox"/> 195 Contract Product Liability | REAL PROPERTY | CIVIL RIGHTS | <input type="checkbox"/> 864 SSD Title XVI | <input type="checkbox"/> 892 Economic Stabilization Act |
| <input type="checkbox"/> 210 Land Condemnation | PRISONER PETITIONS | <input type="checkbox"/> 510 Motions to Vacate Sentence | <input type="checkbox"/> 865 RSI (405(g)) | <input type="checkbox"/> 893 Environmental Matters |
| <input type="checkbox"/> 220 Foreclosure | <input type="checkbox"/> 441 Employment | Habeas Corpus: | FEDERAL TAX SUITS | <input type="checkbox"/> 894 Energy Allocation Act |
| <input type="checkbox"/> 230 Rent Lease & Ejectment | <input type="checkbox"/> 443 Housing/Accommodations | <input checked="" type="checkbox"/> 530 General | <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) | <input type="checkbox"/> 895 Freedom of Information Act |
| <input type="checkbox"/> 240 Torts to Land | <input type="checkbox"/> 444 Welfare | <input type="checkbox"/> 535 Death Penalty | <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609 | <input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice |
| <input type="checkbox"/> 245 Tort Product Liability | <input type="checkbox"/> 440 Other Civil Rights | <input type="checkbox"/> 540 Mandamus & Other | | <input type="checkbox"/> 950 Constitutionality of State Statutes |
| <input type="checkbox"/> 290 All Other Real Property | | <input type="checkbox"/> 550 Other | | <input type="checkbox"/> 890 Other Statutory Actions |

VI. ORIGIN

(PLACE AN X IN ONE BOX ONLY)

- | | | | | | |
|-----------------------------------------------------------|-----------------------------------------------------|----------------------------------------------------------|---------------------------------------------------|-------------------------------------------------------|-----------------------------------------------------|
| <input checked="" type="checkbox"/> 1 Original Proceeding | <input type="checkbox"/> 2 Removed from State Court | <input type="checkbox"/> 3 Remanded from Appellate Court | <input type="checkbox"/> 4 Reinstated or Reopened | <input type="checkbox"/> 5 another district (specify) | <input type="checkbox"/> 6 Multidistrict Litigation |
|-----------------------------------------------------------|-----------------------------------------------------|----------------------------------------------------------|---------------------------------------------------|-------------------------------------------------------|-----------------------------------------------------|

Appeal to District

- | |
|-----------------------------------------------------------|
| <input type="checkbox"/> 7 Judge from Magistrate Judgment |
|-----------------------------------------------------------|

VII. REQUESTED IN COMPLAINT:

CHECK IF THIS IS A CLASS ACTION
□ UNDER F.R.C.P. 23

DEMAND \$

\$999,999.00

Check YES only if demanded in complaint:

JURY DEMAND: YES NOVIII. RELATED CASE(S) (See instructions)
IF ANY

none

JUDGE _____ DOCKET NUMBER _____

DATE

SIGNATURE OF ATTORNEY OF RECORD

11/13/00

ACCOUNT
STATEMENT
USP LEW *LIMITED OFFICIAL USE**
Lewisburg, PA 17837

DATE 11/14/00
PAGE No. 01

Account # 85375071

TILLMAN, RONALD S.
UNIT 3/E-1

| ---BEGINNING--- | AVAILABLE | ENCUMBRANCE | OUTSTANDING | SPECIAL | ACCOUNT |
|-----------------|-----------|-------------|-------------|---------|---------|
| | BALANCE | BALANCE | BALANCE | BALANCE | BALANCE |
| | 20.66 | .00 | .00 | .00 | 20.66 |

| INVOICE | TIME | DATE | TRANSACTION DESCRIPTION | AMOUNT |
|-----------------------------|-------|----------|-------------------------|--------|
| OCT00P | 9:38 | 10-02-00 | PERFORMANCE PAY | 15.37 |
| 000006 | 17:11 | 10-03-00 | SALE / REGULAR | 34.95 |
| T01010 | 13:24 | 10-16-00 | MONEY ORDER | 200.00 |
| 000066 | 18:38 | 10-17-00 | SALE / REGULAR | 198.45 |
| 000062 | 18:31 | 10-24-00 | SALE / REGULAR | 1.75 |
| NOV00P | 11:59 | 11-01-00 | PERFORMANCE PAY | 12.33 |
| T02494 | 15:17 | 11-06-00 | MONEY ORDER | 100.00 |
| 0ADD04 | 19:33 | 11-07-00 | DEPOSIT ITS FUNDS | 10.00 |
| 000068 | 19:45 | 11-07-00 | SALE / REGULAR | 83.15 |
| **** TRANSACTION TOTAL **** | | | | .60- |

| ---ENDING--- | AVAILABLE | ENCUMBRANCE | OUTSTANDING | SPECIAL | ACCOUNT |
|--------------|-----------|-------------|-------------|---------|---------|
| | BALANCE | BALANCE | BALANCE | BALANCE | BALANCE |
| | 20.06 | .00 | .00 | .00 | 20.06 |

ACCOUNT
STATEMENT
DATE 11/14/00
PAGE No. 02

Account # 85375071

TILLMAN, RONALD S.
UNIT 3/E-1

| INVOICE | TIME | DATE | TRANSACTION DESCRIPTION | AMOUNT | | | | | | | | | | | | | | | |
|-------------------------------|-------|----------|-------------------------|---------|--|--|--|--|--|--|--|--|--|--|--|-------|--|--|--------|
| RECPAY | 12:51 | 08-22-00 | PERFORMANCE PAY | 89.50 | | | | | | | | | | | | | | | 89.87 |
| 000005 | 16:48 | 08-28-00 | SALE / REGULAR | 69.10- | | | | | | | | | | | | | | | 20.77 |
| SEP00P | 9:59 | 09-01-00 | PERFORMANCE PAY | 12.84 | | | | | | | | | | | | | | | 33.61 |
| 0639F1 | 19:58 | 09-02-00 | DEPOSIT ITS FUNDS | 13.00- | | | | | | | | | | | | | | | 20.61 |
| 000006 | 16:32 | 09-05-00 | SALE / REGULAR | 19.35- | | | | | | | | | | | | | | | 1.26 |
| T20017 | 13:58 | 09-11-00 | MONEY ORDER | 25.00 | | | | | | | | | | | | | | | 26.26 |
| 000003 | 16:55 | 09-11-00 | SALE / REGULAR | 26.15- | | | | | | | | | | | | | | | .11 |
| 000004 | 16:57 | 09-11-00 | SALE / REGULAR | .10 | | | | | | | | | | | | | | | .21 |
| RECPAY | 15:11 | 09-12-00 | PERFORMANCE PAY | 63.00 | | | | | | | | | | | | | | | 63.21 |
| RECPAY | 15:11 | 09-12-00 | PERFORMANCE PAY | 41.25 | | | | | | | | | | | | | | | 104.46 |
| RECPAY | 12:47 | 09-13-00 | PERFORMANCE PAY | 28.00 | | | | | | | | | | | | | | | 132.46 |
| 000009 | 17:40 | 09-18-00 | SALE / REGULAR | 106.80- | | | | | | | | | | | | | | | 25.66 |
| 07B5A6 | 12:46 | 09-24-00 | DEPOSIT ITS FUNDS | 5.00- | | | | | | | | | | | | | | | 20.66 |
| ***** TRANSACTION TOTAL ***** | | | | | | | | | | | | | | | | 4.39- | | | |

| ENDNG | AVAILABLE | ENCUMBRANCE | OUTSTANDING | SPECIAL | ACCOUNT |
|---------|-----------|-------------|-------------|---------|---------|
| BALANCE | | BALANCE | BALANCE | BALANCE | BALANCE |
| | | | | | |
| 20.66 | | .00 | .00 | .00 | 20.66 |

**ACCOUNT
STATEMENT**
DATE 11/14/00
PAGE No. 01

Account # 85375071

TILLMAN, RONALD S.
UNIT 3/E-1

| ---BEGINNING--- | | AVAILABLE | ENCUMBRANCE | OUTSTANDING | SPECIAL | ACCOUNT |
|-----------------|----------|-----------|-------------|-------------------------|---------|---------|
| | | BALANCE | BALANCE | BALANCE | BALANCE | BALANCE |
| | | 25.05 | .00 | .00 | .00 | 25.05 |
| I | INVOICE# | TIME | DATE | TRANSACTION DESCRIPTION | AMOUNT | |
| | DEC00P | 13:25 | 01-03-00 | PERFORMANCE PAY | 58.29 | 83.34 |
| | RECPAY | 14:26 | 01-03-00 | PERFORMANCE PAY | 15.00 | 98.34 |
| | 0000002 | 16:58 | 01-03-00 | SALE / REGULAR | 70.75- | 27.59 |
| | 0000067 | 18:56 | 01-10-00 | SALE / REGULAR | 27.40- | .19 |
| | T07109 | 14:13 | 01-31-00 | MONEY ORDER | 250.00 | 250.19 |
| | 0000045 | 18:31 | 01-31-00 | SALE / REGULAR | 135.00- | 115.19 |
| | JAN00P | 10:42 | 02-01-00 | PERFORMANCE PAY | 60.00 | 175.19 |
| | 0000002 | 17:08 | 02-07-00 | SALE / REGULAR | 49.40- | 125.79 |
| | RECPAY | 13:33 | 02-09-00 | PERFORMANCE PAY | 26.25 | 152.04 |
| | 0000001 | 16:25 | 02-14-00 | SALE / REGULAR | 47.95- | 104.09 |
| | RECPAY | 15:39 | 02-22-00 | PERFORMANCE PAY | 78.75 | 182.84 |
| | 0000021 | 17:17 | 02-22-00 | SALE / REGULAR | 92.20- | 90.64 |
| | FEB00P | 11:17 | 03-01-00 | PERFORMANCE PAY | 60.90 | 151.54 |
| | 0000003 | 17:15 | 03-06-00 | SALE / REGULAR | 82.65- | 68.89 |
| | 2K0488 | 11:19 | 03-09-00 | ENC. / SPECIAL ORDER | 47.85- | 68.89 |
| | 0000009 | 17:22 | 03-20-00 | SALE / REGULAR | 20.70- | 48.19 |
| | RECPAY | 15:39 | 03-21-00 | PERFORMANCE PAY | 92.50 | 140.69 |
| | APR00P | 11:00 | 04-03-00 | PERFORMANCE PAY | 59.08 | 199.77 |
| | 2K0488 | 18:35 | 04-03-00 | ENC. / SPECIAL ORDER | 47.85 | 199.77 |
| | 0000034 | 18:35 | 04-03-00 | SALE / REGULAR | 199.65- | .12 |
| | T11599 | 13:36 | 04-14-00 | MONEY ORDER | 50.00 | 50.12 |
| | 0000063 | 18:33 | 04-17-00 | SALE / REGULAR | 48.80- | 1.32 |
| | MAY00P | 11:33 | 05-01-00 | PERFORMANCE PAY | 46.69 | 48.01 |
| | 0000004 | 17:12 | 05-01-00 | SALE / REGULAR | 47.45- | .56 |
| | JUN00P | 11:38 | 06-01-00 | PERFORMANCE PAY | 9.68 | 10.24 |
| | 0000003 | 16:56 | 06-05-00 | SALE / REGULAR | 10.10- | .14 |
| | T14586 | 14:24 | 06-08-00 | MONEY ORDER | 50.00 | 50.14 |
| | 006040 | 17:15 | 06-10-00 | DEPOSIT ITS FUNDS | 12.00- | 38.14 |
| | 0000012 | 17:00 | 06-12-00 | SALE / REGULAR | 37.90- | .24 |
| | RECPAY | 15:53 | 06-22-00 | PERFORMANCE PAY | 96.50 | 96.74 |
| | 01986B | 16:50 | 06-26-00 | DEPOSIT ITS FUNDS | 16.00- | 80.74 |
| | JUL00P | 9:58 | 07-03-00 | PERFORMANCE PAY | 16.72 | 97.46 |
| | 0000003 | 16:55 | 07-03-00 | SALE / REGULAR | 88.00- | 9.46 |
| | 0283D8 | 11:32 | 07-09-00 | DEPOSIT ITS FUNDS | 5.00- | 4.46 |
| | 02F1D1 | 16:45 | 07-15-00 | DEPOSIT ITS FUNDS | 4.00- | .46 |
| | RECPAY | 13:52 | 07-21-00 | PERFORMANCE PAY | 113.50 | 113.96 |
| | 0373C2 | 10:51 | 07-23-00 | DEPOSIT ITS FUNDS | 13.00- | 100.96 |
| | 0000002 | 16:52 | 07-24-00 | SALE / REGULAR | 62.90- | 38.06 |
| | 0000005 | 16:57 | 07-24-00 | SALE / REGULAR | 1.30- | 36.76 |
| | AUG00P | 12:36 | 08-01-00 | PERFORMANCE PAY | 13.86 | 50.62 |
| | 0000001 | 16:22 | 08-07-00 | SALE / REGULAR | 50.25- | .37 |